

#431
BILL NO. Z-90-05-121

ZONING MAP ORDINANCE NO. Z- *Wildman*

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. *N-27*

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a B-3-B (General Business) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

Lots 9, 10, 11, 12, 13, 14, 35, 36, 37, 38, 39, 40, 41,
42, 44, 47 and 50, together with vacated Sylvia Street
lying North of Lot 44, all in Home Garden Addition as
recorded in the plat thereof in the Office of the
Recorder of Allen County, except that part taken for
road right of way.

The above described real estate is more particular
described as follows:

Beginning at the Northeast property corner of Lot #14
in Home Garden Addition; thence South along the East
line of Lots #14, 13, 12, 11, 38, 36, 35, and 44 and
along the West line of John Street a distance of 847.35
feet; thence Southwesterly with a deflection angle to
the right of 14 degrees 02 min. 10 sec. along the West
right of way line of John Street and the Northerly
right of way line of U.S. Highway #27 a distance of
61.84 feet to a point 40.0 feet West of the centerline
of John Street; thence South with a deflection angle to
the left of 14 degrees 02 min. 10 sec. along said right
of way line and parallel to the centerline of John
Street a distance of 120.0 feet; thence Southwesterly
with a deflection angle to the right of 68 degrees 43
min. 50 sec. along the Northerly right of way line of
U.S. Highway #27 a distance of 40.13 feet, said point
being 87.0 feet Northeast of the centerline of U.S.
Highway #27; thence Northwesterly with a deflection
angle to the right of 57 degrees 45 min. 10 sec. along
said right of way line and parallel to the centerline
of U.S. Highway #27 a distance of 490.0 feet; thence
Northwesterly with a deflection angle to the right of
03 degrees 26 min. along said right of way line a
distance of 50.09 feet, said point being 90.0 feet
Northeast of the centerline of U.S. Highway #27; thence
Northwesterly with a deflection angle to the left of 03
degrees 26 min. along said right of way line and
parallel to the centerline of U.S. Highway #27 a
distance of 200.0 feet; thence Northwesterly with a
deflection angle to the right of 02 degrees 54 min. 50
sec. along said right of way line a distance of 98.33
feet, said point being 95.0 feet Northeast of the
centerline of U.S. Highway #27; thence Northwesterly

#431

with a deflection angle to the right of 28 degrees 55 min. 30 sec. along said right of way line a distance of 242.0 feet to a point on the East right of way line of Hanna Street, said point being 40.0 feet East of the centerline of Hanna Street, thence North with a deflection angle to the right of 21 degrees 40 min. 40 sec. along the East right of way line of Hanna Street a distance of 119.65 feet, to a point on North line of Lot #9, thence East with a deflection angle to the right of 90 degrees 31 min. 30 sec. along the North line of Lot #9 a distance of 398.0 feet to the Northeast corner of Lot #9 and the Southwest corner of Lot #13, thence North with a deflection angle to the left of 90 degrees 31 min. 30 sec. along the West line of Lot #13 and 14 a distance of 200.0 feet to the Northwest corner of Lot #14; thence East with a deflection angle to the right of 90 degrees 31 min. 30 sec. along the North line of Lot #14 a distance of 413.0 feet to the point of beginning containing 12.48 acres.

and the symbols of the City of Fort Wayne Zoning Map No. N-27, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. T. McCauley
J. TIMOTHY MCCAULAY, CITY ATTORNEY

SOUTHPORT CO. O.S.A.
25% COTTON FIBER

Read the first time in full and on motion by Bradbury, seconded by Salerno, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 5-22-90
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage.
PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____
<u>EDMONDS</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____
<u>LONG</u>	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____

DATED: _____
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____ on the _____ day of _____, 19____

ATTEST: (SEAL)

SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

RECEIPT

No 7301

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 4-19 1990

RECEIVED FROM Zacher Campsey \$ 100.00

THE SUM OF one hundred + 00/100 DOLLARS

ON ACCOUNT OF regime B/B Sabana

18423

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE [Signature]

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Fort Wayne Store Company
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B-1-B District to a/an B-3-B District the property described as follows:

See Attached Legal Description

This application is submitted by Steve Zacher as an agent for the woner. A copy signed by the owner will be submitted in the near future.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

6901 S. Hanna Street

6905 S. Hanna Street

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Fort Wayne Store Company

600 Eaton Center

By: Steven H Zacher

c/o Mid America Management Co.

1111 Superior Ave.

Its: Agent

Cleveland, OH 44114

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitte to the City Plan Commission prior to the legal notice pertaining to the ordin being sent to the newspaper for legal publication. If the request for deferr continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at wh it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that a ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the ma for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

Steve Zacher
(Name)

825 Anthony Wayne Bldg, Fort Wayne 422-8474

(Address & Zip Code) IN 46802 (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hear approximately ten (10) days prior to the meeting.

gal Description of property to be rezoned.

Owners of Property

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

CERTIFICATE OF SURVEY

OFFICE OF:

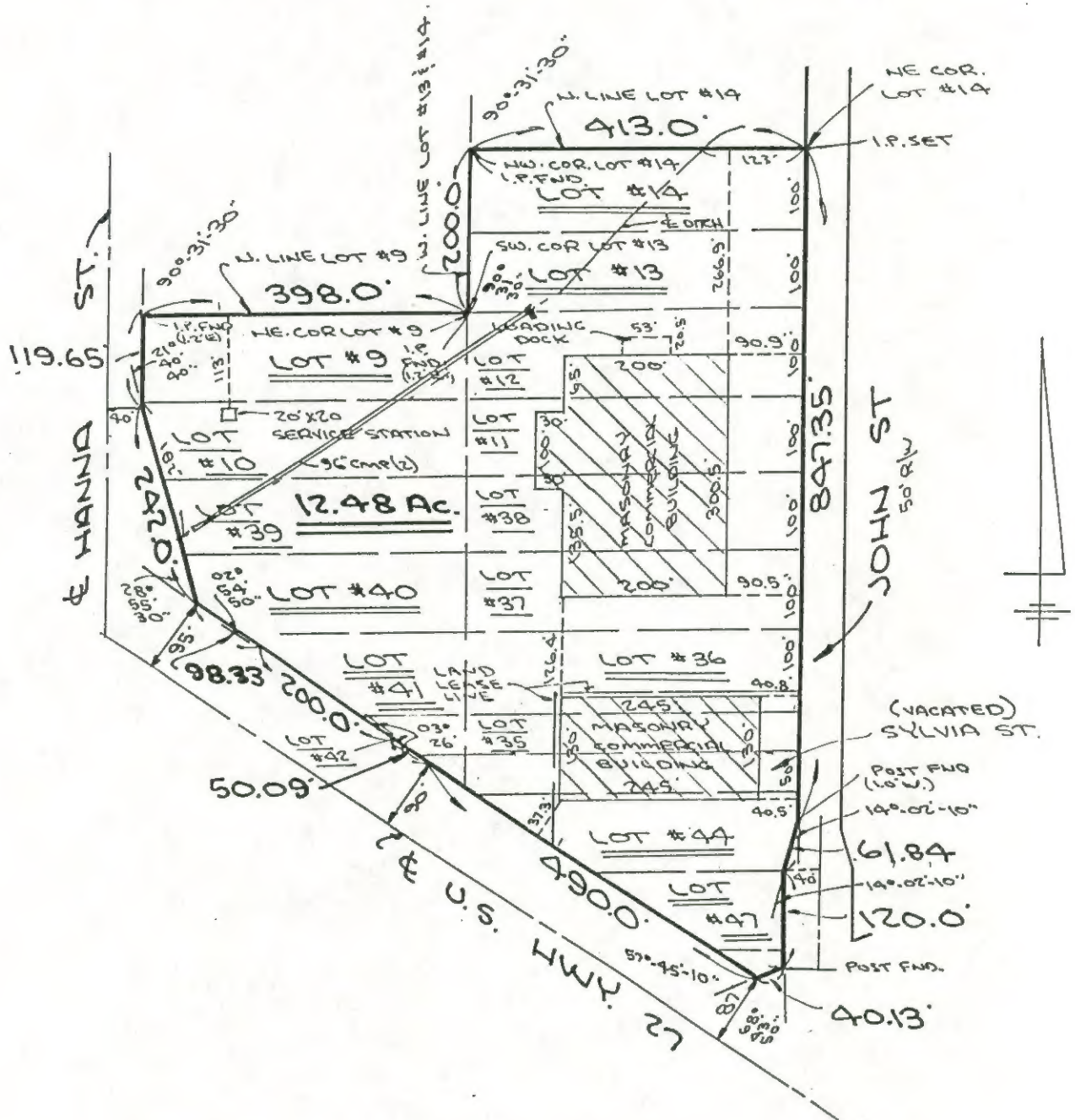
DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA
FRANCIS X. MUELLER P.L.S. No. S0193 INDIANA
GREGORY L. ROBERTS P.L.S. No. S0548 INDIANA
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: **SEE ATTACHED SHEET!**

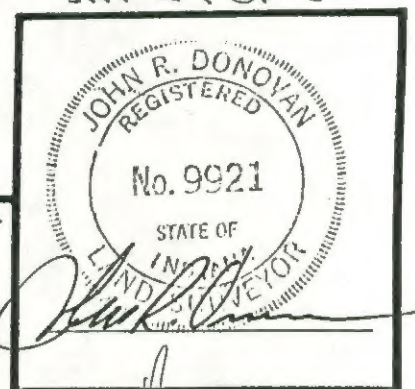


NOTE: According to the Flood Insurance Rate Map, (FIRM) number 180003 0010B, dated April 3, 1985, the herein described real estate is located in Zone "C", and is not in a flood hazard area.

S.R. ON FILE
SHT # 1 OF 2

JOB FOR: **HECKS**

1"=200'
7-30-89



CERTIFICATE OF SURVEY

OFFICE OF:

DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA

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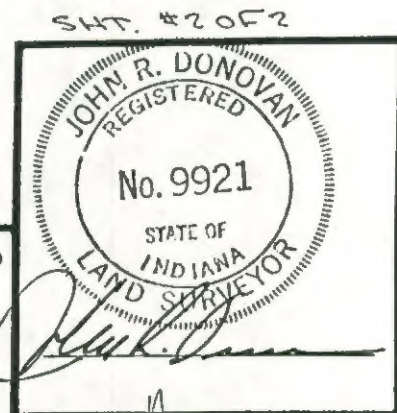
The description of the real estate is as follows, to wit: Lots #9, 10, 11, 12, 13, 14, 35, 36, 37, 38, 39, 40, 41, 42, 44, 47, & 50, together with vacated Sylvia Street lying North of Lot #44, all in Home Garden Addition as recorded in the plat thereof in the Office of the Recorder of Allen County, except that part taken for road right of way.

The above described real estate is more particularly described as follows:

Beginning at the Northeast property corner of Lot #14 in Home Garden Addition; thence South along the East line of Lots #14, 13, 12, 11, 38, 36, 35 and 44 and along the West line of John Street a distance of 847.35 feet; thence Southwesterly with a deflection angle to the right of 14 degrees 02 min. 10 sec. along the West right of way line of John Street and the Northerly right of way line of U.S. Highway #27 a distance of 61.84 feet to a point 40.0 feet West of the centerline of John Street; thence South with a deflection angle to the left of 14 degrees 02 min. 10 sec. along said right of way line and parallel to the centerline of John Street a distance of 120.0 feet; thence Southwesterly with a deflection angle to the right of 68 degrees 43 min. 50 sec. along the Northerly right of way line of U.S. Highway #27 a distance of 40.13 feet, said point being 87.0 feet Northeast of the centerline of U.S. Highway #27; thence Northwesterly with a deflection angle to the right of 57 degrees 45 min. 10 sec. along said right of way line and parallel to the centerline of U.S. Highway #27 a distance of 490.0 feet; thence Northwesterly with a deflection angle to the right of 03 degrees 26 min. along said right of way line a distance of 50.09 feet, said point being 90.0 feet Northeast of the centerline of U.S. Highway #27; thence Northwesterly with a deflection angle to the left of 03 degrees 26 min. along said right of way line and parallel to the centerline of U.S. Highway #27 a distance of 200.0 feet; thence Northwesterly with a deflection angle to the right of 02 degrees 54 min. 50 sec. along said right of way line a distance of 98.33 feet, said point being 95.0 feet Northeast of the centerline of U.S. Highway #27; thence Northwesterly with a deflection angle to the right of 28 degrees 55 min. 30 sec. along said right of way line a distance of 242.0 feet to a point on the East right of way line of Hanna Street, said point being 40.0 feet East of the centerline of Hanna Street, thence North with a deflection angle to the right of 21 degrees 40 min. 40 sec. along the East right of way line of Hanna Street a distance of 119.65 feet, to a point on North line of Lot #9; thence East with a deflection angle to the right of 90 degrees 31 min. 30 sec. along the North line of Lot #9 a distance of 398.0 feet to the Northeast corner of Lot #9 and the Southwest corner of Lot #13; thence North with a deflection angle to the left of 90 degrees 31 min. 30 sec. along the West line of Lot #13 and 14 a distance of 200.0 feet to the Northwest corner of Lot #14; thence East with a deflection angle to the right of 90 degrees 31 min. 30 sec. along the North line of Lot #14 a distance of 413.0 feet to the point of beginning containing 12.48 acres.

JOB FOR: HECKS

7-30-89



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 22, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-90-05-12: and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 21, 1990.

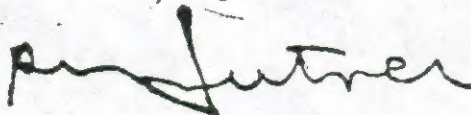
WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 27, 1990.

Certified and signed this
28th day of August 1990.

A handwritten signature in black ink, appearing to read "R. Hutner", written over a horizontal line.

Robert Hutner
Secretary

#431

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 6901 & 6905 So Hanna Street

7-90-05-12

EFFECT OF PASSAGE Property is presently zoned B-1-B - Limited Business District.
Property will become B-3-B - General Business District.

EFFECT OF NON-PASSAGE Property will remain zoned B-1-B - Limited Business District

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

FACT SHEET

Z-90-05-12

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment
From B-1-B to B-3-B

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

6901-6905 So Hanna Street

Reason for Project

Flea Market

Discussion (Including relationship to other Council actions)21 May 1990 - Public Hearing

See Attached Minutes of Meeting

4 June 1990 - Business Meeting

Motion was made and seconded to defer
the ordinance for ninety (90) days
at the request of the petitioner.

Of the eight (8) members present,
seven (7) voted in favor of the
motion, one (1) did not vote.

Motion carried.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Fort Wayne Store Company
City Department

Other

Opponents**Groups or Individuals**

Sarah Helmke, 1204 Sylvania
Donna Kimmel, 1207 Sylvania
Phillip Pease, 1209 Sylvania

Basis of Opposition

- increased traffic in area
- trash and unsightly outside
storage

**Staff
Recommendation**☐ For ☒ Against**Reason Against**

-approval could have a
negative impact on resi-
dential properties in area

**Board or
Commission
Recommendation****By**

☐ For ☐ Against
☒ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

27 August 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council as WITHDRAWN as requested by petitioner.

Of the seven (7) members present, six (6) voted for the motion, one (1) did not vote.

Motion carried.

NOTE: This ordinance was deferred for ninety (90) days at the request of the petitioner's attorney so that the petitioner could apply to the Board of Zoning Appeals for a Use Variance for the requested use. The petitioner's, Fort Wayne Store Company, applied for and obtained a Use Variance for a flea market. The petitioner's attorney has subsequently requested that the rezoning request be withdrawn.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 19 A 1 1990

Projected Completion or Occupancy

Date 28 August 1990

Fact Sheet Prepared by

Date 28 August 1990

Patricia Biancaniello

Reviewed by

Date 8/30/90

Harry Meglitz
Reference or Case Number

Change of Zone #431
From B-1-B to B-3-B
6901 & 6905 So Hanna Street

Tom Gallmeyer, attorney representing the petitioner Fort Wayne Store Co., appeared before the Commission. Mr. Gallmeyer stated that the Fort Wayne Store Co., are the owners of the real estate in question. He stated that the potential lessee of the property was at the meeting. He stated that the real estate was located at the southeast corner of U S #27 South and South Hanna and is approximately 12.5 acres. He stated that there are two buildings located on the property, one with 63,000 square feet and one with 32,000 square feet. He stated that the present zoning is B-1-B. He stated that the property has been vacant for approximately 4 years, the last use being Heck's Discount Store. He stated that in the last 4 years vandalism has been rampant, dumping has been constant. He stated that the owner is spending approximately \$500 dollars a month to remove the debris. He stated that the proposed use is the Fort Wayne Flea Market, which is presently being operated out at International Harvester Park. He stated that when the petitioner first met with the staff and discussed the concept of a flea market, the staff made the decision that a flea market was not covered by a B-1-B zoning, because new and used goods were being sold at the flea market. He stated that he disagreed with the decision of the staff. He stated that there is no definition of a flea market in the Zoning Ordinance, he felt that he did not think the Zoning Ordinance contemplated a flea market at the time it was drawn up. He stated that the concept of a flea market while ancient in cultural is a new retail trend that we are seeing across the country. He stated that it is a place for small businessmen to cooperatively display their articles, market them and sell them, with a low overhead operation. He stated he would like to think of it as a "contemporary discount store". He stated it is not a discount store, but it is not the concept of a flea market that appears at the Three Rivers Festival under the elevation. He stated it is not Shipshewanna. He stated what we are talking about are booths that are leased to approximately 80 tenants long term. He stated that these same lessees come back every week. He stated that they have these leases from October through April. He stated that during the time that the flea market is closed they store their goods there they do not transport them out and bring them back. He stated it is not a transient booth operation. He stated that the bulk of these booths are intended to be located internally. He stated however there is a space between the two buildings and in the event the two buildings are leased full, then they would propose to move to external booth operations. He stated that there is no question that new goods as well as used goods are being sold. He stated that they contemplate and experience has shown that approximately 70% of the goods are brand new. He stated that the other 30% consists of used goods and what we call collectibles (antiques, coins, baseball cards, etc.). He stated that when he says he respectfully disagrees with the staff's determination that a B-1-B does not cover this

use, it is because under the uses provided in a B-1-B, there are retail stores that also sell used goods as well as new. He stated that there is not a furrier, record store or jeweler that you can not buy used products as well as new. He stated he did not feel that the staff had the full concept of what a flea market is when it is run as a long term operation at a fixed site as a retail business, when they made the decision that a B-1-B classification did not fit. Mr. Gallmeyer stated that the present Goodwill Store located in Diplomat Plaza sells nothing but used goods and is zoned B-1-B. He stated that the Salvation Army store located in Quimby village which sells only used goods is also zoned B-1-B. He stated that there is precedence for a B-1-B classification. He stated that is their first argument - that the zoning classification they already have on the property is sufficient. He stated that the Comprehensive Plan states that the goal of the Middle Ring is to maintain investment and prevent deterioration. He stated that this property is rapidly deteriorating. He stated that the owner and the lessee combined are going to have to spend in excess of \$400,000 to rehab the property to make it usable to open. He stated that those are not public dollars, those are private sector dollars. He stated that to the north the zoning is B-1-B and RB, there is a movie theatre and a wholesaler. He stated that to the south across Lafayette Street is a golf course and a McMillen Center. He stated that the McMillen Center had given them a letter where they acknowledge that they approve and have no objection to the rezoning. He stated that this rezoning would certainly not have a negative impact on the golf course to the south. He stated that to the west is the combination B-1-B and RB zoning a bowling alley a health spa, and miniature golf. To the east it is zoned RB and is used for residential. He stated that the residential is interspersed and there are parts of it that are not developed. He stated that this deteriorating property needs an immediate infusion of capital. He stated it does not benefit anyone in its present condition. He stated that Lafayette Street will support commercial use, it is now becoming a commercial corridor. He presented the Commission with a petition with 350 signatures of customers that use the market and approximately 60 of the vendors from the flea market presently at International Harvester who are in favor of the proposed rezoning. In conclusion he stated that this was a new temporary type of marketing that allows small businessmen the opportunity to get into business, to move goods and to market them in a way that would not otherwise be available to them. He stated it was not contemplated at the time the Zoning Ordinance was drafted and he felt that the B-1-B zoning classification, which already has similar uses, is broad enough to include the flea market. He stated that if the Commission deems it is not they request that the Commission rezone the property to a B-3-B. Mr. Gallmeyer stated that if the staff deems it necessary the owner is willing to enter into prior restrictions to impose limitations on the use of the property.

David Long questioned how they intended to control the use and design of the booths if, as was stated, they move some of them

outside in good weather if they run out of room in the existing structures.

Tom Gallmeyer stated it would be up to the lessor to control the design and aesthetics of the booths. He stated that if the staff wanted to impose a condition to that affect they could work it out.

David Long asked if it is there intention, if requested by the staff, to limit this to a flea market use only.

Mr. Gallmeyer stated that if that is what needed to be done they would limit the use. He stated they would be willing to put title restrictions on the use.

Wil Smith questioned if the people involved had attempted to meet with the neighborhood association.

Mr. Gallmeyer stated he was told that they tried to meet with the neighborhood association but they received no response.

Al Zacher, real estate broker, stated that they called the neighborhood association and asked for a meeting and they said they would get back with them and they did not.

Mel Smith questioned if this was to be a permanent location.

Mr. Gallmeyer stated for the amount of money they are going to spend it will be permanent.

Greg Purcell, Executive Director of Community & Economic Development appeared before the Commission. Mr. Purcell stated that in the staff's judgement, in taking a look at the ordinance, the use as proposed as a flea market is generally for the sale of second hand merchandise. He stated that in the zoning ordinance a second hand store or rummage shop is identified under the B3B section. He stated in their judgement a flea market is more akin to a second hand store or a rummage shop. He stated that Mr. Gallmeyer has asserted potentially other uses that are in B1 Districts that are selling used merchandise, that may be the case, that does not necessarily mean that this would be acceptable. He stated if there are violations of the ordinance they have nothing to do with the particular petition at hand. He stated if they want them to investigate those cases and make a determination as to whether or not it is a violation they would be happy to do so. He stated that the ordinance also specifies that, generally speaking, that outdoor sales are in the B3B districts as opposed to the B1 districts. He stated that the ordinance also specifies that, generally speaking, that outdoor sales are allowed in B3B districts as opposed to the B1 districts. He stated in their judgement for this type of facility, as it is described is a B3B use. He stated that at this point he had not seen a written description that would narratively set forth the exact nature of a flea market. He

stated that it is a concept which has not been identified or defined in the Zoning Ordinance. He stated if Mr. Gallmeyer is not happy with the staff's determination the alternative is to take the staff's interpretation to the Board of Zoning Appeals. The Board of Zoning Appeals is the final arbitrator at the City level as to what the ordinance means or does not mean.

Jack Steffler, owner of the Fort Wayne Flea Market appeared before the Commission. Mr. Steffler stated that they intend to put a substantial investment into the property in question. He stated that they will be able to control the type and number of people they have as vendors. He stated that 70% of all the merchandise at the flea market is new merchandise. He stated the 30% that is used are items such as baseball cards, antique items, books, etc. He stated that they do have a few booths that might be unsightly, but they are not saying they want them in the new market. He stated that they feel they can control who and what is placed outside. He stated that they have 80 to 100 people who are wanting to participate in this new facility. He stated that if they do not get this rezoning there will be about 80 people who will lose their jobs.

The following people spoke in favor of the rezoning.

Colleen Smith, vendor

Donna Beck, vendor

Tom Gallmeyer requested a show of hands of the people in the audience who were present and in favor of the rezoning.

The following people spoke in opposition to the requested rezoning.

Sarah Helmke, 1204 Sylvia Av, appeared representing several of the neighbors in the area. She stated that their neighborhood is just one block south of the property in question. She stated that they are not there opposing the rezoning because they want to see people lose their jobs, or incomes but because their street is a through street. She stated that the street goes from Decatur Road down Sylvia jogs around and out to U S #27. She stated people come up Anthony down Gardendale through their neighborhood over to U S #27 and go down to this site. She stated it is happening now with people going to Southtown Mall. She stated that the petitioners are stating that they get thousands of people at this flea market, this would increase traffic immensely and only worsen an already bad traffic situation. She stated that the street is only chip and seal and the extra traffic would increase the deterioration of the streets. She stated that they have young children and they are afraid for their children in the area because of the traffic problems. She stated that they feel this zoning would bring in any number of undesirable businesses to the area. She stated that they spoke of putting some of the business outside and

worried about the unsightliness of what could be stored outside and the trash that could be thrown around outside. She questioned also how long it would take them to make the improvements on the property that they refer to. She questioned if the improvements would be completed prior to them occupying the building or would they be done at their convenience. Ms. Helmke presented the Commission with a petition signed by approximately 28 residents of the area in opposition to the rezoning.

Bob Hutner questioned if there was something that could be done with regard to traffic control for their streets. He stated that perhaps there is a solution to their troubles with the traffic that would still allow these people to be in business. Mr. Hutner questioned if the traffic problem was there only objection to the rezoning.

Ms. Helmke stated that is their main objection, but this rezoning would allow for any number of undesirable uses that they do not want in their area. She stated she felt there were too many unanswered questions. She stated that once the rezoning is passed or these people are occupying the property it is very difficult to enforce any conditions placed by the Commission. She stated that their biggest concern is that they will not have any assurances that all of these things can be enforced.

The following people reiterated the concerns stated by Sarah Helmke.

Donna Kimmel, 1207 Sylvia St
Phillip Pease, 1209 Sylvia St
Willie Houston, 7028 Gary St

In rebuttal, Mr. Gallmeyer stated that he was unable to comment to the traffic problem on Sylvia Avenue nor could he correct the problem. He stated that they will meet with staff between this meeting and the business meeting on June 4. He stated that there was a question raised as to when the repairs would be done to the property. He stated that they intend to spend up to \$400,000 between now and August, if the necessary approvals are given, to get this building in shape for the flea market. He stated there was a question about what does the flea market contribute to the City of Fort Wayne. He stated it was estimated that in 1989 the Fort Wayne Flea Market gross sales was 3.5 million dollars and the vendors have 150 employees of their own and the owner has 8 full time employees.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning request.

HAWK, HAYNIE & GALLMEYER

1515 LINCOLN TOWER
FORT WAYNE, INDIANA 46802

DAVID K. HAWK
GILMORE S. HAYNIE, JR.
THOMAS M. GALLMEYER
T. RUSSELL STRUNK, JR.

TELEPHONE
422-1515
AREA CODE 219
FAX
424-2656

August 6, 1990

Mr. Wayne O'Brien
City Plan Commission
Room 830 - City-County Building
One Main Street
Fort Wayne, IN 46802

In Re: Petition to Amend the Zoning Map by
Reclassifying 6901-6905 South Hanna Street,
Fort Wayne, Indiana, from B1B to B3B ("petition")

Dear Mr. O'Brien:

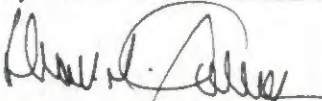
Please be advised the above captioned law firm represents the Fort Wayne Stores Company, owner of the real estate listed in the above referenced petition.

In light of the fact the Board of Zoning Appeals has granted a Use Variance for this real estate, the Applicant now withdraws its petition to rezone the real estate from B1B to B3B.

I thank you in advance for your attention to this withdrawal request.

Sincerely,

HAWK, HAYNIE & GALLMEYER


Thomas M. Gallmeyer

TMG:jo
cc: Alan M. Krause
The Zacher Company

BILL NO. Z-90-05-12

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON-
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

*withdraw
9/11*

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
ORDINANCE

REFERRED AN ~~XXXXXXXXXX~~ (RESOLUTION) amending the City of
Fort Wayne Zoning Map No. N-27

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~(RESOLUTION)~~

DO PASS

DO NOT PASS

ABSTAIN

NO REC

_____	_____	_____	_____
_____	_____	_____	_____
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DATED: *9-11-90.*

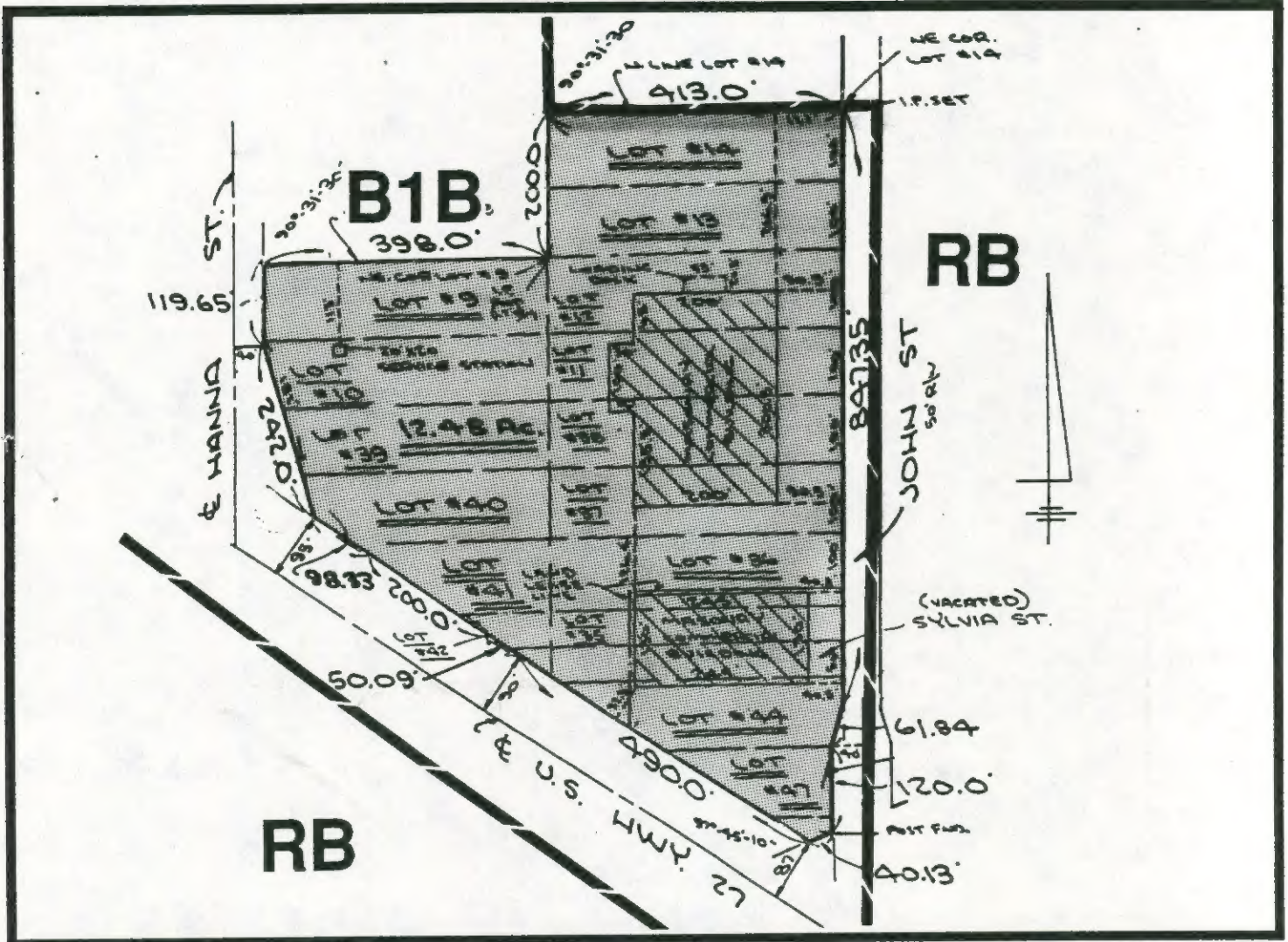
Sandra E. Kennedy
City Clerk

REZONING PETITION #431

PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A B1B DISTRICT TO A B3B DISTRICT.

MAP NO. N-27

COUNCILMANIC DISTRICT NO. 5

**ZONING:**

RB RESIDENCE "B"

B3B GENERAL BUSINESS "B"

LAND USE:

☐ SINGLE FAMILY☐ **COMMERCIAL**

LW

SCALE: NTS

DATE: 4-26-90

